## The Impact of Context on Real-Life Serious Crime Interviews

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**Abstract**

This study examined real-life audio-taped police interviews with 56 serious crime suspects in English and Wales. It provides an analysis of how suspects responded and behaved during the interviews and considers how suspects’ responses may be affected by contextual characteristics including the presence of legal advisors. It was found that fewer suspects admitted these serious offences in comparison to previous studies, with most suspects who did admit doing so early on in the interview. The majority of suspects’ responses were identified as ‘relevant’, only a very small proportion of interviews were assessed as ‘challenging’. Significant associations between suspects’ responses and context were found. Specifically, if the (alleged) victim was female, the location of the offence was in-doors, and there was no clear motive, then suspects were more likely to say ‘no comment’ than to respond relevantly. Suspects who were 32 years of age or over, and had previous criminal convictions, were more likely to respond ‘relevantly’ than say ‘no comment’. The study also found that whilst present in the majority of interviews, the contributions of legal advisors were minimal (though more frequent legal advisor contributions were associated with increased use of police strategies).

Keywords: police interviewing; suspects; context; legal advisors; serious crime.

1. **Introduction**

 In 2016 Stokoe, Edwards, and Edwards noted that “Rigorous analysis of ‘live’ (i.e., recorded) police interviews comprises a minority of work on interactions across the legal settings. In contrast to the numerous studies of suspects’ and police officers’ post hoc reflections about their interviewing technique style and experience…there are far fewer studies of actual interactions between officers and arrested suspects” (p. 290). Among the small but growing body of empirical research examining police officers’ interviewing skills with actual suspects (e.g., Bull, 2013; Bull & Soukara, 2010; Collins & Carthy, 2019; Kelly, Miller, & Redlich, 2016; King & Snook, 2009; Verhoeven, 2018) few have examined how case characteristics affect interviewers’ behaviour or individual differences influence suspects’ behaviour. Even fewer studies have examined how suspects actually respond during interviews, beyond their propensity to admit or deny the crime. This new study assesses a broad range of suspect responses and behaviour, and importantly, considers how this may be associated with contextual characteristics of the case, victim, suspect or interview. This innovative study also examines the role of legal advisors in the interview and how this might affect suspects’ responses.

* 1. **The Nature of Suspect Responses**

In one of the earliest large-scale studies of real-life police interviewing, Baldwin (1992, 1993) found in England that most suspects were “thoroughly cooperative” (p. 332) and that four out of five suspects were polite and pleasant. Of the 600 suspects, he identified that 6% were remorseful/tearful and 14% were awkward/difficult to interview. Feld (2013) assessed 71% of suspects who confessed (perhaps unsurprisingly) as cooperative, and 45% of those who admitted or denied, as resistant.

In terms of rates of suspect admission and denial, Moston, Stephenson, and Williamson (1992) found that 42% of suspects denied the offence, 42% admitted and 16% neither admitted nor denied. Similar rates of admission were reported by Baldwin (1993) and Soukara, Bull, Vrij, Turner, and Cherryman (2009). The research evidence on the timing of suspect admissions is more mixed. Baldwin (1992, 1993) found that of the people who confessed, almost all of them did so at the beginning of their interview and only very few changed their position from denial to admission as the interview progressed. However, Deslauriers-Varin and St-Yves (2006) found that 25% of convicted people indicated that they had changed from their initial position during the interrogation. Soukara et al. (2009) found that out of 31 interviews in which suspects confessed, only five of these occurred in the first third of the interviews; 15 occurred in the middle third, and 11 in the final third (though their sample did not include confessions made at the very beginning). Clarke, Milne, and Bull (2011), found that 29% denied the offence, 17% provided a comprehensive account, 23% a confession, 25% a partial admission and only 5.6% of interviewees made no comment.

* 1. **How context affects suspects’ decision making**

A seminal study conducted in the USA by Leo (1996) examined how different social, legal and case-specific variables were related to both the decision of suspects to respond to questioning and the likelihood of them providing incriminating evidence. In relation to suspects’ decision to respond to questioning, 22% of his sample exercised their right to silence. In examining the relationship between suspects’ right to silence and social, legal and case-specific variables, the only factor that Leo found to have a significant association with suspects’ likelihood to waive or invoke their Miranda rights, was whether a suspect had a prior criminal record - 89% of the suspects with a police record for only minor offences and 92% of the suspects without any record waived their Miranda rights, whereas 70% of the suspects with a police record for serious offences waived. (In the USA, a suspect’s right to silence and legal representation are known as their Miranda rights.)

In terms of the social and legal factors that may have contributed to suspects providing incriminating information, Leo found no relationship with any sociological factors (class, race or gender of suspect, victim or interviewer). He also did not find a relationship with type of crime, age of suspect, absence of prior convictions, strength of evidence, or seriousness of offence. Leo did, however, find that the effects of interrogation tactics varied with the social characteristics of the suspects being questioned, for example finding that younger suspects seemed far more vulnerable to appeals of conscience and moral rationalisations; and older suspects seemed to respond more when interviewers mentioned existing evidence and pointed out contradictions in evidence. Leo also identified several case characteristics that were related to use of tactics, including: the more serious the offence, the longer detectives spent attempting to elicit incriminating information from the suspect; the more serious the offence, the more interrogation tactics the detectives employed; detectives were also significantly likely to employ more tactics during their interrogation of ethnic minority suspects (although the number of minority suspects was small); and, finally, detectives tended to use fewer tactics when the evidence against a suspect was already strong and there appeared to be little need to obtain more incriminating evidence.

Moston et al. (1992) published one of the first large-scale studies in the UK to explore the relationships between case characteristics and suspect behaviour. In their study of 1,067 cases from nine London police stations, they found that there were no associations between the outcome of the interview (confession, denial or neither) and criminal history, age or sex of suspect, and offence category (property or person offences). However, strength of evidence had a strong association with admissions. In two-thirds of cases with strong evidence, there were full admissions whereas denials occurred in three-quarters of all cases where the evidence was weak. There was also a significant effect for offence severity: when the offence was ‘very serious’, there was an increase in suspects who neither admitted nor denied the offence (which for the most part meant they stayed silent or said ‘no comment’).

Deslaurier-Varin and St-Yves (2006) examined the association of individual, criminological, and contextual factors with the decision to confess. Drawing on a sample of 204 convicted adult males, they found that strength of evidence seemed pivotal in suspects’ decisions to confess. They also found that strength of evidence interacted with other individual and contextual factors in several ways. For example, where police evidence was strong, repeat offenders who had received legal advice less often confessed. Where police evidence was weak, a wider range of significant associations were found. For example, suspects were more likely to confess if they were single, were being interviewed about committing a serious offence, had no prior criminal record, reported feelings of guilt, and did not use legal advice.

A later study by Deslauriers-Varin, Lussier, and St-Yves (2011), which explored self-reported data and case files of 221 convicted offenders, found that strength of evidence again seemed a pivotal factor in confessions, particularly amongst those suspects who had no prior personal experience of such interviews and had attended them without legal representation. Their study also explored how confessions may be influenced by suspects’ characteristics, criminological and situational factors. They found no effect of offenders’ age, ethnic group, education level or marital/parental status on confessing. In contrast, confessions increased with crime seriousness.

Gudjonsson and Pearse (2011) describe how police interviewing is “best conceptualised as a dynamic and interaction social process, the outcome of which is influenced by a number of factors (e.g., age and motivation of suspect, intelligence, personality and access to legal advice)” (p. 33). However, comparatively few studies have sought to analyse the inherent complexities of this interaction. A study by Cleary (2014) is one of the first to describe in detail various context characteristics (e.g., interrogation duration, suspect and interviewee race, person’s present, position of interrogators in relation to suspect during interview) and outcomes of recorded police interviews with juveniles in the USA. Her study provided an in-depth descriptive analysis of these interviews, but found no relationships between context characteristics and outcomes.

* 1. **The Impact of Legal Advice on the Interview**

Anyone arrested in England and Wales has the right to free legal advice either in person or by telephone and to have a legal advisor present during their interview (PACE, Code C, Home Office, 2008). The legislation is also very clear that “no police officer should, at any time, do or say anything with the intention of dissuading a detainee from obtaining legal advice”.

Although the right to having a legal advisor present during interviews has existed in some countries for many years (such as England and the USA), in Europe a few years ago the European Court of Human Rights (ECtHR) passed a series of judgments effectively requiring national authorities to facilitate access to legal assistance for criminal suspects at interview (*Salduz v. Turkey*, 2008 and subsequent case law). A directive was passed in 2013 that required countries (within around two years) to enact legislation that enables suspects to have legal assistance during interviews (*Council Directive*[*2013*](https://www.tandfonline.com/doi/full/10.1080/09695958.2019.1706528)*/*[*48*](https://www.tandfonline.com/doi/full/10.1080/09695958.2019.1706528)*/EU*). A large proportion of the UK research in this area has focused on the take up of legal advice (Evans, 1993; Phillips & Brown, 1998; Quinn & Jackson, 2007) and only a few studies have examined the effect of legal advisors on police interviewing, even though relevant, comprehensive guidance has for many years been available in England and Wales to legal advisors (Ede & Shepherd, 1997; Shepherd, Ede, & Hickman, 2005). Clarke, et al. (2011) evaluated the impact of training, workplace supervision and the presence of a legal advisor on police officers’ interviewing of suspects. They found that interviews conducted with a legal advisor present were longer than those without and that suspects were less likely to provide information when a legal advisor was present. Pearse and Gudjonsson (1997) examined the relationship between suspects exercising their right to silence, the role of the legal advisor within the interview, and whether or not a confession was made. While the majority of suspects chose to answer all police questions, they found that suspects were less likely to exercise their right to silence in the absence of legal advice and also significantly less likely to confess in the presence of a legal advisor. Moston et al. (1992) also found that there was an association between legal advice and the outcome of the interview with full admissions being less common when a suspect had made contact with a legal advisor.

A small number of studies have examined the characteristics of legal advisors’ contributions both during and prior to the interview. Edwards and Stokoe (2011) undertook a detailed linguistic analysis of legal advisor/solicitor contributions during 109 UK police interviews with suspects and found that solicitors were present in 45% of these interviews who made an intervention of some kind in 64% of these. Pearse and Gudjonsson (1997) in their study of 161 suspect interviews found that the legal advisor or legal representative spoke in just 24 cases (15%) and there were only five examples (3%) where the suspect sought advice during the interview. Evans (1993) identified that in half of the interviews in which legal advisors were present, the police used persuasive tactics and obtained a confession, but that there was only one intervention by a legal advisor.

In terms of legal advisors’ advice to the suspect outside of the interview, Quinn and Jackson (2007) found that most legal advisors indicated that they would rarely advise young suspects to maintain complete silence in interview and that the advice given would depend on the nature of the case and the evidence. Quinn and Jackson also found some evidence to suggest that legal advice was influential on young persons’ decisions to stay silent or not. In one of the five cases in which a legal advisor was in attendance, the young person was completely silent at interview and in a further two, the young person denied at least some of the offence. In four cases where a full admission was made a legal advisor was present in only one. (For more on ‘no comment’ interviews see Stokoe, et al., 2016).

Given that, as mentioned above, (i) few studies have examined how case characteristics affect interviewers’ behaviour or suspects’ individual differences influence their behaviour and (ii) only small number of studies have examined the characteristics of legal advisors’ contributions both during and prior to the interview, the overall aim of the current study was to further our understanding of the nature of police interviews with suspects, with a particular emphasis on: (i) the relationship between suspect response and characteristics of the interview, crime, and suspect; and, (ii) the nature of legal advisors’ contribution during the interview and its relationship with suspect responses.

1. **Method**

The sample

The first author approached English and Welsh police forces via the Association of Chief Police Officers (ACPO, now called the National Police Chief’s Council). Each participating force was asked for audio recordings of interviews with serious crime suspects from (necessarily) ‘closed’ cases (i.e., considered solved by the police and therefore not likely to be involved in ongoing or future police/criminal justice proceedings) that had occurred in the last five years, as well as brief case details.

Recordings of interviews with 56 suspects in 45 different investigations regarding serious crimes such as murder or rape were obtained from ten forces in England and one force in Wales. All of the interviewers would have received extensive training regarding use of the ‘PEACE’ method of investigative interviewing (Bull, 2014, 2013; Bull & Rachlew, 2019; Milne & Bull, 1999). The recording of the interviews was (as national policy) on audio tapes, each of a maximum duration of 45 minutes – thus there were in total 407 such audio tapes (amounting to an average of over four hours of interviewing per suspect). All interviews in these (necessarily) closed cases took place between 1999 and 2006 with the majority (76%, *n =* 309) occurring between 2004 and 2006 inclusive. (Further details of the sample can be found in Leahy-Harland and Bull, 2016.) Although these serious but eventually closed cases are necessarily from years ago, there have been few relevant changes to interviewing policy and training in England and Wales since that time (see the official national guidance documents of 1998 [National Crime Faculty, 1998], of 2009 [available at <http://library.college.police.uk/docs/npia/BP-Nat-Investigative-Interviewing-Strategy-2009.pdf>] and the latest of 2013 [available at https://www.app.college.police.uk/app-content/investigations/investigative-interviewing] which have remained similar).

The coding

The case files (i.e., the audio tapes and extra written information about the case) for each suspect were analysed and the contextual information available within them (i.e., for police reasons) was noted, including information for which prior research currently does not enable hypotheses (see Table 1).

Insert Table 1 here

In terms of coding the audio-recordings of the interviews, these were each divided into five-minute time segments (following Pearse and Gudjonnson, 1999; Bull and Soukara, 2010; and a growing number of other researchers). A very extensive draft list of interviewer and suspect behaviours was initially developed drawing on previous research (e.g., Baldwin, 1992; Clarke, et al. 2001) and the relevance of each of these was initially assessed by the first author with a large sample of the interview audio tapes (n = 100). Almost 40 of these behaviours existed to some extent in this sample. The subsequent coding noted the presence or absence of each behaviour within every five-minute interview segment. (A copy of the very extensive coding frame with full and detailed definitions of each code is available from the first author).

A combination of methods to assess reliability was employed at different stages during the development of the coding. In the earlier stages the current first author and a masters level student (trained in the coding) each separately coded 20 five-minute time segments selected from different interviews (in order to increase the variety of interviews included). Then a percentage comparison using observed frequencies was undertaken for each code. Anything yielding less than 75% agreement was examined further; at this point some codes were subsequently removed, whilst for others their definitions were strengthened. In the second stage the first author and a different masters level student (trained in the coding) coded a further 50 time segments. As the coding of all interviews subsequently would be undertaken by a single coder (the current first author), intra-rater reliability was also examined in that 50 other time segments were subject to repeated coding by the first author.

Stemler (2001) described that one way to measure reliability is to measure the percent of agreement between raters (i.e., simply adding up the number of cases that were coded the same way by the two raters and dividing by the total number of cases). He highlighted that the problem with such a percent agreement approach is that it does not account for the fact that raters will independently agree with each other a certain percentage of the time simply based on chance (Cohen, 1960, cited in Stemler, 2001). Stemler (2001) suggested that a means of addressing the limitations of percentage agreement is to use Cohen's Kappa. Essentially, a Cohen’s Kappa finding/result of close to 1 suggests that coding is perfectly reliable and a value close to 0 suggests that there is no agreement other than what would be expected by chance. Although there is some disagreement, McHugh (2012) stated that the following criteria can be applied to the interpretation of Cohen’s Kappa:

* 0.90+ indicates almost perfect agreement (beyond chance)
* 0.80 to 0.90 indicates strong agreement (beyond chance)
* 0.60 to 0.79 indicates moderate agreement (beyond chance)
* 0.40 to 0.59 indicates weak agreement (beyond chance)
* 0.20 to 0.39 indicates minimal agreement.

Both percentage agreement and Cohen’s Kappa were applied to the coding data. For brevity, table 2 only includes the findings for those codes that did not receive perfect inter-rater or intra-rater agreement (i.e., 100% or a Cohen’s Kappa value of 1.00).

Insert Table 2 here

Following Banerjee’s (1999) guidelines, for the vast majority of ‘non-perfect agreement codes’ acceptable levels of agreement were nevertheless found. The only exception was the code ‘explains routine’ and thus any findings concerning this code would need to be treated with caution. (Appendix 1 contains the list of codes subsequently adopted.)

Due to the large sample size of audio tapes (n=407) and of codes (n=39), the following decisions were made regarding which factors would be included in the statistical analyses that resulted from the coding:

* because all of the suspects for whom the outcome was known (*n =* 49 of 56) were convicted (i.e., found guilty), this factor had to be excluded from further analysis;
* due to 95% of suspects being male, suspect gender was not included in the subsequent analyses, although victim gender (equal numbers of males and females) was retained;
* due to the very small frequencies of ‘unclear/complex’ and ‘challenging’ suspect responses, these were excluded from the further statistical analysis;
* when conducting the coding ‘silent’ and ‘no comment’ responses were considered sufficiently similar in function to warrant combining into a single category, referred to as ‘no response’;
* full and partial admissions were combined into a single category (of ‘admissions’) for the analysis.
1. **Results**
	1. **Suspect Response**

How suspects responded during these interviews was categorised as either a *relevant response*, *silence*, *no comment*, *challenging response* or *unclear/complex response*. Analysis of the interviews revealed that *relevant responses* were found to be the most frequent, with *no comment* the second most frequent, the former being significantly more frequent (*M* = 76.18, *Mdn =* 67.00) than the latter(*M* = 21.00, *Mdn =* 0.00), Z = -10.98, *p* < .001. It was rare for a suspect to *challenge* the interviewer or for a suspect to answer in an *unclear or irrelevant manner*. *Complete silence* was also rather rare with a mean frequency of six occurrences per 45 minute tape (on average there were seven tapes per suspect).

Regarding these very serious crimes, it was more common for suspects to actively deny the offence (64%) than admit to it (23% made some kind of admission, with only 7% of these making a full admission). A small proportion (13%) neither admitted nor denied, which in practice reflected either ‘no comment’ or silence in response to questions. (Denial also included where the suspect stayed silent or made no comment but actively made denials via a prepared statement which either they or their legal advisor read out in the interview.) None of the 56 suspects included in the present study changed their position from denial to admission. Nevertheless, 49 suspects in these ‘closed’ cases were subsequently convicted (for the remaining seven it was not possible to determine the outcome); therefore, at trial other types of meaningful evidence (other than the 23% involving partial or full admissions) must have been present in most of the cases, some of which may have been contained in the interviews (such as the suspects’ *relevant responses* – the most frequent type of suspect response).

For those suspects who admitted the offence (either in full or part), the time at which this admission took place was recorded. Nearly three-quarters of all admissions occurred in the opening two (five minute) time segments of a tape (that is, the first ten minutes). A further two admissions occurred in the third time segment, with the remaining two admissions observed in time segments five and eight (of the 45 minute long tapes).

**The Contribution of Legal Advisors**

Legal advisors were present in almost all interviews (98%) and training for this role was widely available (Ede & Shepherd, 1997).  For each interview the number of times that legal advisors spoke was recorded - they spoke on average four times per tape (although the maximum number of times a legal advisor spoke in an entire interview was 35).

The legal advisors most frequently spoke during the opening parts of the interviews. The vast majority of these were fairly benign and predominantly associated with fulfilling procedural requirements (e.g., confirming disclosure received). On several occasions, legal advisor contributions could actually be described as being helpful to the interview process, in that the legal advisor helped to facilitate communication between the police and a suspect (by explaining what things meant or reminding suspects to mention relevant facts). Where legal advisor contributions became more awkward, this tended to revolve around the extent of police disclosure of information to the advisor prior to the interview and particularly complaints regarding a lack of such disclosure. Other, albeit less frequent, complaints tended to be about the interviewer’s interpretation of evidence/information and use of hypothetical or irrelevant questions. On only a few occasions, legal advisors also interjected to remind their clients to say ‘no comment’, although this advice was not always adhered to by suspects. Often, in these instances, legal advisors requested a break to speak privately with suspects, although overall, legal advisors only requested a break in nine percent of interviews. It is also worth highlighting that even in those instances where legal advisors were more challenging to the interviewer, at no time did interviewers appear to lose their temper or patience with legal advisors, nor though did they simply capitulate to legal advisors’ demands or objections.

**The Ease/Difficulty of these Serious Crime Interviews**

Twenty per cent of the interviews were evaluated as *‘easy to conduct’* that is, suspects were cooperative, provided an account and the atmosphere was good natured (probably due to combined effects of interviewer and suspect). A further 48% were evaluated as the suspect presenting moderate challenge (e.g., the suspect interrupted a lot, or at times got frustrated, but which generally involved the suspect nevertheless talking freely). Only 2% were evaluated as presenting notable challenges for interviewers, due to the suspect being aggressive or uncooperative. The remaining 30% of interviews predominantly involved *‘no response’* (that is the majority of responses were either ‘no comment’ or silence) that the interviewers seemed well prepared for - they conducted these interviews largely as they might have done with a compliant interviewee (i.e., by putting all relevant questions to the suspect regardless of whether they spoke or not – as allowed by relevant law and covered in their training).

* 1. **The Impact of Context on Suspect Responses**

 Multiple linear regression was undertaken to see whether contextual characteristics would be associated with whether the 56 suspects during their interview was more likely to respond relevantly than not respond (i.e., for each suspect the frequency of the latter was deducted from the frequency of the former). (Stepwise regression was not used due to the number of suspects being somewhat insufficient for that form of analysis - Schmitt & Ployhart, 1999.) In regression it is recommended that ‘predictor measures’ should only be included where there are sound theoretical reasons for expecting them to predict the outcome (Field, 2009). This research is highly exploratory and very limited research exists on the impact of context on suspects’ responses (as described here). Therefore, regression analyses were undertaken separately on each of the factors within the three categories of context (i.e., suspect, case, and interview characteristics).

 In the investigations involving multiple victims, only the details of one victim could be input into the regressions. (The details of five other victims were therefore excluded.)

Some significant associations with a ‘relevant response’ from suspects were found as follows (and shown in Table 3):

Insert Table 3 here

* suspects aged 32 years and over were more likely to respond relevantly in comparison to younger suspects;
* suspects with previous criminal convictions were more likely to respond relevantly than suspects with no previous criminal convictions;
* a blunt force method of violence and other method of violence were both associated with suspects responding relevantly than if the method of violence was ‘stabbing’ (the comparison category);
* if the offence occurred at night then suspects were less likely to respond relevantly than if the offence occurred during the day;
* if the offence occurred indoors, then suspects were less likely to respond relevantly than if the offence occurred outdoors;
* if no legal consultation was requested (which was rare), suspects were more likely to respond relevantly;
* unsurprisingly, ‘no-response’ interviews were less likely to involve relevant responses than ‘easy’ interviews;
* challenging interviews were also less likely to be associated with relevant responses from suspects;
* suspects who were in a relationship (i.e., having a wife/husband or partner) were less likely to respond relevantly (though this effect was of borderline significance - and found not to be associated with admissions or denials – see table 4).

Regression analysis was carried out to see whether contextual characteristics might be associated with whether the suspect was likely to admit (either fully or partially) or deny an offence or not respond (by either saying ‘no comment’ or staying silent). All of the contextual characteristics (as categorical variables with often more than two categories) had to be transformed and ‘dummy codes’ created (see Field, 2009). Method of violence, for example, was originally categorised as ‘stabbing’, ‘blunt force’ and ‘other’. Two dummy codes were subsequently created for ‘blunt force’ and ‘other’, with stabbing as the comparison category. Not all of the variables could be included in this analysis because of low frequencies in some cells (these variables were: previous convictions of suspect; other method of violence; previous convictions of victim; marital status of victim; time of day of offence; strength of evidence; order of interview in series; legal advisor present; interpreter present; interview difficulty; prepared statement read out; and, gender of secondary interviewer). One-step (forced entry) regression analyses were then run separately on each individual category of context (i.e., suspect, case, and interview). This analysis revealed a range of significant associations of suspects either admitting or denying an offence, in comparison to not responding (which equates to staying silent or saying ‘no comment’). The findings are shown in Tables 4 (suspect characteristics), 5 (case characteristics) and 6 (interview characteristics).

Insert tables 4, 5 and 6 here

The findings in Tables 4, 5 and 6 can be summarised as:

* suspects aged 32 years and over were less likely to admit or deny an offence than be silent/say “no comment” in comparison to suspects aged 31 years and younger;
* suspects who admitted were less likely to do so (and more likely to ‘not respond’) if the victim was female;
* suspects in cases where the offence took place indoors were less likely to either admit or deny than not respond;
* suspects who denied were less likely to do so (than not respond) in cases where there was no clear motive;
* suspects were less likely to deny than not respond when they have been interviewed for between two and five hours;
* regarding suspects who denied, barely significant effects of the gender of the primary interviewer and of the presence of an ‘appropriate adult’ were found.

The impact of legal advisors. This study also explored the potential relationships between the contribution of legal advisors and suspect responses. Since most interviews in the present study had a legal advisor present, it was not possible to examine how interviews with legal advisors might compare to those without. Instead, interviews were compared to see if any differences emerged between those in which legal advisors spoke ‘more’ or ‘less’ frequently.

A Mann-Whitney test found that there were no significant differences by suspect age or vulnerability regarding the number of times legal advisors spoke. Legal advisors did, however, speak significantly more in interviews with suspects who had previous convictions (*M* = 3.6, *Mdn =* 3.00) compared to interviews with suspects who had no previous convictions (*M* = 2.32, *Mdn =* 2.00), *U* = 3910.00, *Z* = -2.18, p < .05.

Next, it was examined if suspect responses (i.e., numbers of relevant response, no response or challenging response) were correlated with the number of times legal advisors spoke. Kendall’s tau correlations revealed a significant positive correlation between the number of challenging responses by suspects and the number of times the legal advisor spoke (τ = .09, p < .05).

Bivariate correlations were carried to examine the relationships between legal advisor and interviewer behaviour. It was found that legal advisors spoke more often when interviewers used more strategies (τ = .08, p < .05), such as presentation of evidence (τ = .07, p < .05), interviewer challenge (τ = .09, p < .05), use of silence (τ = -.10, p < .05), negative questions (τ = .09, p < .05), and repetitive questions (τ = .10, p < .05).

Finally, a Chi-Square test was performed to examine the association between the number of legal advisor contributions (either ‘more’ or ‘less’ than 15 contributions) and whether suspects actively admitted or actively denied the offence (the passive category of ‘no response’ that involved only 13% of suspects was excluded from this analysis). No significant association was found.

1. **Discussion**

The research presented here is distinctive in that it draws on a relatively large sample of real-life serious crime interviews and describes in detail the exchange between police interviewers and suspects. This study therefore makes an important contribution by exploring these in much greater detail and by examining the associations between suspect response and various characteristics of the interviews. Furthermore, it examines the behaviour of the legal advisor present, on which there is currently a scarcity of research.

* 1. **Suspect Response**

The present study identified differences in the overall frequencies of suspect admissions from those found in other studies. The proportion of those who admitted the offence was much smaller than found in other UK-based studies (Moston et al, 1992; Clarke et al., 2011; Soukara et al, 2009). In comparison to USA based studies, the admission rates were also markedly different. In Feld’s (2013) study of juveniles, 88% of suspects made admissions or full confessions. However, few previous studies have involved only very serious crimes, though Kelly, et al. (2016) found a more even split between denials (n = 14) and admissions (n = 12) in their sample of serious violent crime suspects. Effects of age were found in the present study in that although older suspects more frequently ‘responded relevantly’ (compared to actively admitting or actively denying) than younger suspects, older suspects more often stayed silent/said ‘no comment’ than did younger suspects. Such findings indicate a complex pattern which is quite different in the present sample of serious crime (adult) suspects from that found in other published studies (which typically involved less serious crimes).

 In the current research, the majority of suspects who did admit (either in full or part) did so early on in the interviews. This is consistent with other research (Bull, 2014). The fact that *none* of the 56 suspects included in the present study changed their position from denial to admission is also in line with some other studies and provides further support for the assertion that suspects tend to have decided before they go into the interview room whether they will confess or not (Bull, 2013). This is, however, in contrast to the finding of Kebbell, Allison, and Hurren (2006) which noted that whereas half of convicted offenders said they had decided their position ahead of the interview (i.e., to confess or deny), the other half said their decision making was influenced by the interviewer during the interview.

In the present study, the absence of any suspects changing their position from denial to admission could indicate that interviewers were employing strategies to try and get a suspect to confess but these were failing to work. Alternatively, it could mean that interviewers are not actively trying to get suspects to confess. Indeed, since the introduction of the PEACE approach to investigative interviewing (see Bull, 2014; Milne & Bull, 1999), police interviewers in England and Wales are trained to gather relevant information rather than confessions. The emphasis is more on getting a suspect to talk, and even if they do not talk, on putting all the relevant facts/information to suspects so it can be shown they have been given every opportunity to account for such information (Griffiths & Rachlew, 2018). The importance of gaining relevant information rather than a confession was borne out by a survey of police officers in England by Oxburgh, Ost, Morris, and Cherryman (2015) which found that officers’ beliefs about the importance of obtaining a confession were low. Even though more suspects denied than confessed, where it was possible to determine whether the present suspects were convicted, all indeed were convicted (necessarily being closed cases of murder or rape – unsolved cases frequently remain ‘open’ and therefore not accessible by researchers). Thus, for the present sample the likelihood of a conviction was not associated with suspects admitting/confessing at interview.

The majority of suspects provided relevant responses, with few challenging or being aggressive. Given the seriousness of the crimes that suspects in the present sample were being interviewed about, one might have expected more tense encounters. An indication from the present findings (e.g., few instances of challenging responses and minimal evidence of suspect frustrations) is that the interviews in the present sample were not overly confrontational interactions. This is supported by the current assessment of interview difficulty which found that 20% of interviews were rated as ‘easy to conduct’, that is, suspects were cooperative, provided an account and the atmosphere was good natured. This is in contrast to other studies which have found that ‘cooperative’ suspects tend to be only those who confess (e.g., Kelly, et al., 2016; Feld, 2013). The present study did find that challenging interviews were less likely to be associated with ‘relevant responses’ from suspects. However, only 2% were identified as presenting real challenges for interviewers, due to a suspect being extremely aggressive or uncooperative. The bulk of the remaining interviews were predominantly ‘no response’ interviews (that is the majority of responses were either ‘no comment’ or silence - 30%) and therefore presented a different sort of challenge to interviewers: in the main, interviewers seemed well prepared for this and conducted the interview largely as they might have done with a compliant suspect (that is, putting the relevant information to suspects so that they have been given the opportunity to account for such information). The skills demonstrated by the interviewers here were more to do with trying to elicit a detailed account of what had transpired from a suspect rather than persuading a reluctant suspect to confess – the aim of the PEACE training they had received (see Milne & Bull, 1999) – and is consistent with Walsh and Bull’s (2010) study which found that interviews utilising the PEACE framework were associated with gaining more comprehensive accounts, regardless of whether the suspect confessed or denied.

* 1. **Impact of Context on Suspect Response**

In examining the relationship between contextual characteristics and suspect responses, a number of significant associations with suspects either responding or saying ‘no comment’ were found. If the offence occurred at night, or the location of the offence was indoors, or if the method of violence was ‘blunt force’ then suspects were more likely to say ‘no comment’ than to respond relevantly – given the present state of relevant knowledge, we cannot offer justified explanations as to why such associations were innovatively found. Two other significant findings regarding ‘suspect response’ are, however, worth highlighting: suspects who were 32 years and older or had previous criminal convictions, were more likely to respond than say ‘no comment’, a finding that could be contrary to lay people’s expectations and to that reported by St-Yves and Delauriers-Varin’s (2009) which indicated that younger people were more likely to confess, and those without previous convictions were less likely to confess. In the present study, a ‘relevant’ response (versus a silent or ‘no comment’ response) could have included an admission *or* a denial, and so the findings may not be wholly generalizable to other studies which focused solely on suspects’ propensity to admit or confess. Also, perhaps the older suspects with previous convictions in the present study had decided that to speak in such interviews would be better than not speaking or merely saying “No comment”.

Characteristics found to be associated with suspects’ admissions include victim gender and location (i.e., ‘indoors’ or not). Characteristics found to be associated with suspects denying include motive, location, and interviewer gender. The effect regarding the non-presence of an ‘appropriate adult’ was only significant for suspects who denied (rather than not responding) – such an effect was not significant for suspects who admitted; denying (rather than not responding) was more common when an ‘appropriate adult’ was not present. Again, given the present state of relevant knowledge, we cannot offer justified explanations as to why such associations were innovatively found.

Another significant association was found in that suspects were less likely to actively deny than not respond (i.e., remaining silent or saying “no comment”) when they have been interviewed for between two and five hours – perhaps in longer interviews suspects become less motivated to keep on actively denying when relevant information is mentioned to them by the interviewer. (Prior studies of effects of interview length on suspects seem only to have involved ‘traditional’, somewhat coercive interviewing rather than the ‘investigative interviewing’ employed in the present interviews – see, for example, Gudjonsson, 2018).

* 1. **Contribution of Legal Advisors**

The finding that legal advisors were present in the vast majority of interviews in the current study (98%, *n =* 397) is different from earlier work: Baldwin found that legal representatives were present in around a third (30%) of interviews and Bull and Cherryman (1996) found 67%. However, Soukara (2004) found that a legal advisor was present in a much higher proportion (84%) of interviews.

Further analysis of the few interviews *without* a legal advisor revealed that these were only four, with only one suspect declining their right to a have a legal advisor present in every part of the interview conducted with him. For the other three suspects, whilst a legal advisor was absent in some interviews conducted with them, in the majority of interviews conducted with that suspect a legal advisor was present. For example, one suspect was interviewed ten times and a legal advisor was present for six of these; in the other four interview sessions (which were the first four interviews conducted) a legal advisor was not present, although an Appropriate Adult (AA) was.

 The nature of legal advisors’ contributions during interviews were rather minimal, with few interruptions, and even fewer being confrontational or obstructive, even though comprehensive guidance to legal advisors on how to intervene when necessary has been available for many years (Ede & Shepherd, 1997; Shepherd, et al., 2005). In The Netherlands Verhoeven also found few effects of the presence of lawyers (Verhoeven, 2018). Quinn and Jackson (2007) found that police officers in their study (from Northern Ireland) often appreciated the presence of legal advisors in youth cases (to explain rights and procedures) and enjoyed good relations with a number of them. Given that in the present study the opening segment of interviews were dominated with introductions of those present and clarification of the procedural and legal elements of the interview, the higher frequency of legal advisor contributions during this stage was not unexpected. Although minimal, it was interesting to find that in some interviews, suspects completely ignored legal advisors’ advice to say ‘no comment’, despite repeated reminders during the actual interview. Intuitively, it might have been expected that there would be an effect of age and/or vulnerability on legal advisors’ contributions, but no such association was observed in the present study. Even though contributions from the legal advisors were relatively rare, significant associations were, however, found between the frequency of legal contributions with (i) interviewer behaviour and (ii) suspects’ criminal history. More frequent legal advisor contributions being associated with increased use of police strategies might indicate that as interviewers employ a wider range of strategies, legal advisors are objecting more. However, where legal advisors did interrupt, these were found to be associated with certain question types (‘negative’) and strategies (‘special warning’ and ‘challenge’), findings not entirely unexpected and which might suggest that legal advisors’ contributions are more frequently appropriate than not. It is, however, less clear why increased legal contributions were associated with suspects’ previous convictions.

1. **Implications**

All of the interviewers had received extensive training regarding use of the ‘PEACE’ method of investigative interviewing (Bull, 2014, 2013; Bull & Rachlew, 2019; Milne & Bull, 1999) which has as its primary aim the obtaining of information from suspects. Analysis of the interviews revealed *relevant responses* to be more frequent than “no comment” responses or ‘silence’ – which is very much in line with this aim. In around 70% of interviews the suspects of serious crimes did indeed provide relevant information. In 20% of the interviews suspects were cooperative, provided an account and the atmosphere was good natured. In around 50% of the interviews the suspects presented ‘moderate challenges’ (e.g., interrupting a lot, or at times getting frustrated), but these generally involved the suspect nevertheless talking freely, and only 2% presented ‘notable challenges’ for the interviewers (the suspect being aggressive or uncooperative). However, the remaining 30% of interviews predominantly involved *‘no response’* (that is, most responses were either “no comment” or silence), an implication of which is that in these interviews the primary aim of the police training was not being achieved (perhaps, in part, because of advice from legal advisors to suspects prior to interviews that they should not provide information). Thus, future research and development could focus on how ethically to make progress regarding such ‘no comment’ or silent interviewees.

Even though legal advisors were present in almost all interviews, and training for this role was widely available (e.g., Ede & Shepherd, 1997), their relatively few contributions during the interviews were mostly benign – perhaps implying that they were content with the quality of the interviewing (in these serious cases) and felt they had little to object to – which implies that the ethical aspects of the interviewers’ training in the ‘PEACE’ method had been achieved. That suspects with previous criminal convictions were more likely to respond relevantly than suspects with no previous convictions could imply that a belief that experienced criminals would not interact meaningfully is mistaken. The findings that suspects aged over 31 years were more likely to respond relevantly (i.e., provide relevant information) in comparison to younger suspects, but that suspects aged over 31 years were less likely than younger suspects to actually admit (or deny) may imply that life experience enabled them converse more skilfully.

That none of the 56 suspects included in the present study changed their position from denial to admission (most not admitting) could be taken naively to imply that the interviewing was not skilled – however, the relevant police training (i.e., in the ‘PEACE’ method) is not designed to obtain admissions but rather to seek information. That suspects were more likely to not respond (i.e., remain silent or say “no comment”) than actively deny when interviewed for between two and five hours could imply that in longer interviews suspects become less motivated to keep on actively denying when relevant information is put to them by the interviewer.

This study also found a significant association between a suspect declining to request legal consultation and being more likely to respond relevantly. This finding might support the assertion that some suspects have already decided how they intend to respond during interview prior to the actual interview itself. This in turn, may have implications for the strategies and tactics employed by interviewers (Bull, 2014: Bull & Rachlew, 2019).

1. **Conclusion**

 Overall, the findings from this research suggest that there may be some key differences in how suspects in serious crime cases respond in interview, in comparison to the general population of suspects. As Kelly, et al. (2016) state, studies of real-life suspect interviewing (such as by Alison, Alison, Noone, Elntib, and Christiansen, 2013) are still relatively rare in comparison to studies that draw on survey findings or experimental (mock) scenarios. The number of studies that examine the impact of context during police interviewing is even smaller. These tend to have focused on how context affects police interviewing styles (Mortimer & Shepherd, 1999; Holmberg & Christianson, 2002) or the effect of whether a suspect confesses or not (see St-Yves and Deslauriers, 2009). Even fewer studies have examined the impact of context on how suspects respond during an interview beyond whether they confess or deny (Leo, 1996; Feld, 2013). The present study therefore contributes to our understanding of this largely under-researched area and is also one of the first large scale studies into the contribution of legal advisors during serious crime suspect interviews.

Some issues limit the findings of this research. The interviews were not randomly selected but were a ‘convenience sample’ and this limits the ability to generalise the findings to the wider population of serious crime suspect interviews. It is possible that some of the interviews were provided to us might have been chosen because of their presumed quality – however, because it was more common for suspects to actively deny the offence (64%) than admit to it (23% made some kind of admission, with only 7% of these making a full admission) and a small proportion (13%) neither admitted nor denied (which in practice reflected either ‘no comment’ or silence in response to questions), this seems an unlikely possibility. Also, access was only possible to ‘closed’ cases (i.e., cases that are not ongoing or ‘unsolved’), resulting in all of the cases having resulted in a conviction (even though only 23% made some kind of admission in the interviews).

Nevertheless, the study did obtain interviews from a wide range of forces and so goes some way towards minimising this problem. Despite its limitations, this study has gone beyond the traditional focus of suspect admissions to capture a range of different ways in which suspects behave and respond in interviews. It has also analysed the contribution of legal advisors during police interviews, a hitherto highly under-researched area that is becoming of greater international importance as more countries enact legislation that allows legal advisors to be present at and contribute to police interviews, such as countries in the European Union (Conway & Daly, 2019; Mols, 2017). The present research, despite its limitations, provides further insights into the police interviewing of suspects that will be of interest and use to both researchers and practitioners.

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Insert Appendix 1 here

Table 1: Contextual characteristics and associated variables

|  |  |  |
| --- | --- | --- |
| Suspect characteristics | * age (under or over 32 years)
* previous convictions (yes or no)
 | * marital status (single or in relationship)
* vulnerability (yes or no)
 |
| Case characteristics | * time of offence (day or night)
* method of violence (blunt force, stabbing or other)
* location of offence (indoors or outdoors)
* motive for offence (known or unknown)
* victim – suspect relationship (known to each other or not known to each other)
* strength of evidence at time of interview (strong or less strong)
 | * number of victims
* number of suspects
* victim gender (male or female)
* victim has previous convictions (yes or no)
* victim age (Under or over 32 years)
* victim marital status (single or in relationship)
 |
| Interview characteristics | * time of day of interview (day or night)
* total interviewing time (0 up to 2 hours; 2 up to 5 hours; and 5 hours and over)
* order of interview in series
* gender of primary interviewer (male or female)
* a break for consultation required (yes or no)
 | * prepared statement read (yes or no)
* legal advisor present (yes or no)
* Appropriate Adult (AA) present (yes or no)
* interpreter present (yes or no)
* difficulty of interview (easy, moderate, very difficult, or no response)
 |

Table 2: Significant contextual characteristics as predictors of suspect response

|  |
| --- |
| **Suspect characteristics (1)** |
| **Variable** | **B** | **SE B** | **β** |
| Constant | -.05 | .13 |  |
| Suspect aged 32 years or over | .32 | .10 | .16\*\* |
| Suspect has criminal convictions | .84 | .21 | .22\*\*\* |
| Suspect in a relationship | -.23 | .10 | -.11\* |
| **Case characteristics (2)** |
| Constant | -.05 | .20 |  |
| Location indoors | -.42 | .13 | -3.32\*\*\* |
| Time of offence at night | -.39 | .15 | -2.61\*\* |
| Blunt force method of violence | .77 | .16 | .38\*\*\* |
| Other method | .61 | .17 | .28\*\*\* |
| **Interview characteristics (3)** |
| Constant | -.46 | .25 |  |
| No consultation required | .17 | .08 | .07\* |
| Difficulty of interview – very challenging | -1.42 | .23 | -.21\*\*\* |
| Difficulty of interview – no response interview | -1.73 | .10 | -.71\*\*\* |

(1) R² = .07 (p < .001). (2) R² = .11 (p < .001). (3) R² = .60 (p < .001). \*p < .05, \*\*p < .01, \*\*\*p < .001.

Table 3: Suspect characteristics as predictors of suspect admission or denial

|  |  |
| --- | --- |
|  | **95% Confidence Interval for Odds Ratio** |
| **Variable** | **B (SE)** | **Lower** | **Odds ratio** | **Upper** |
| **Admitted offence** |
| Intercept | 2.14 (.58) |  |  |  |
| Suspect aged 32 years and over  | -2.53 (.56)\*\*\* | .03 | .08 | .24 |
| Suspect in relationship | -.46 (.45) | .26 | .63 | 1.53 |
| Suspect is vulnerable | .11 (.48) | .44 | 1.12 | 2.84 |
| **Denied offence** |
| Intercept | 3.00 (.54) |  |  |  |
| Suspect aged 32 years and over  | -2.05 (.50)\*\*\* | .05 | .13 | .35 |
| Suspect in relationship | .28 (.36) | .66 | 1.32 | 2.67 |
| Suspect is vulnerable | .49 (.40) | .75 | 1.63 | 3.54 |

R² = .09 (Cox and Snell), .12 (Negelkerke). Χ² = 40.15 (p < .001). \*p < .05, \*\*p < .01, \*\*\*p < .001.

Table 4: Case characteristics as predictors of suspect admission or denial

|  |  |
| --- | --- |
|  | **95% Confidence Interval for Odds Ratio** |
| **Variable** | **B (SE)** | **Lower** | **Odds ratio** | **Upper** |
| **Admitted offence** |
| Intercept | 2.48 (.95) |  |  |  |
| Suspect & victim know each other | .33 (.70) | .35 | 1.39 | 5.52 |
| Blunt force method of violence | .45 (.59) | .49 | 1.57 | 5.02 |
| No clear motive | -.44 (.58) | .21 | .65 | 2.02 |
| Female victim | -2.15 (.66)\*\* | .03 | .12 | .42 |
| Victim 32 years or older | -.23 (.59) | .25 | .80 | 2.53 |
| Location indoors | -2.09 (.65)\*\* | .03 | .12 | .45 |
| **Denied offence** |
| Intercept | 3.93 (.91) |  |  |  |
| Suspect & victim know each other | -.68 (.60) | .16 | .51 | 1.66 |
| Blunt force method of violence | .29 (.56) | .45 | 1.34 | 3.99 |
| No clear motive | -2.04 (.56)\*\*\* | .04 | .13 | .39 |
| Female victim | .24 (.59) | .40 | 1.23 | 4.04 |
| Victim 32 years or older | .19 (.52) | .43 | 1.21 | 3.37 |
| Location indoors | -2.43 (.60)\*\*\* | .03 | .09 | .29 |

R² = .33 (Cox and Snell), .42 (Negelkerke). Χ² = 130.08 (p < .001). \*p < .05, \*\*p < .01, \*\*\*p < .001.

Table 5: Interview characteristics as predictors of suspect admission or denial

|  |  |
| --- | --- |
|  | **95% Confidence Interval for Odds Ratio** |
| **Variable** | **B (SE)** | **Lower** | **Odds ratio** | **Upper** |
| **Admitted offence** |
| Intercept | 1.25 (.96) |  |  |  |
| Interview at night | -.65 (.43) | .23 | .52 | 1.20 |
| Primary interview female | -.78 (.48) | .18 | .46 | 1.18 |
| AA not present | .61 (.49) | .70 | 1.85 | 4.85 |
| No consultation required | .55 (.51) | .64 | 1.73 | 4.72 |
| Total interviewing time 2 to 5 hours | -1.25 (.82) | .06 | .29 | 1.44 |
| **Denied offence** |
| Intercept | 4.29 (.85) |  |  |  |
| Interview at night | -.69 (.37) | .24 | .50 | 1.05 |
| Primary interview female | -.79 (.41)\* | .20 | .45 | 1.00 |
| AA not present | .94 (.43)\* | 1.10 | 2.57 | 6.00 |
| No consultation required | .19 (.43) | .53 | 1.21 | 2.79 |
| Total interviewing time 2 to 5 hours | -3.31 (.75)\*\*\* | .01 | .04 | .16 |

R² = .19 (Cox and Snell), .25 (Negelkerke). Χ² = 85.12 (p < .001). \*p < .05, \*\*p < .01, \*\*\*p < .001.

**Appendix 1: Coding Frame[[1]](#footnote-1)**

|  |  |
| --- | --- |
| **Theme** | **Code** |
| Question Style | Closed Open Closed with element of open Closed-Open Negative (open or closed) Multiple choice/option (open, closed, negative, repeated or statement) Statement Repetitive (open, closed, negative or statement) Ineffective |  |
| Strategy | Building rapport/showing empathy Use of silenceIn suspects’ interest to talkSituational futilityInterviewer explicitly asks suspect to tell truth / give their account of what happenedEmphasising seriousness of offenceSpecial warning (or similar) providedShowing the suspect photographs of the crime scene/victim Describing victim’s trauma and/or the family’s trauma or emphasising severity of injuriesMinimisationMaximisationDescribing evidence and what has happened Challenging the suspect |
| Conversation Characteristics | Interruptions by the interviewer Interruptions by the suspectOverlapping talk |  |
| Suspect response(Only one of these codes could be selected during a single exchange) | RelevantNo commentSilentChallengingUnclear/complex |  |
| Suspect behaviour(A single exchange could have any of these features) | Suspect sounds upsetSuspect interruptedSuspect sounds frustratedSuspect laughed |  |
| Suspect admission(Only one of these codes could be selected during a single exchange) | Full admissionPartial admission Denial |  |

1. For a copy of the coding frame with detailed definitions of each code please contact the first author. [↑](#footnote-ref-1)